

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

SCOTT MATTHEW MALONE

PLAINTIFF

V.

NO. 3:15CV00096-JMV

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

ORDER ON PETITION FOR ATTORNEY'S FEES

Before the Court is Plaintiff's Petition [22] for attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d). In these proceedings Plaintiff sought judicial review of the Social Security Commissioner's final decision denying a claim for benefits. By Final Judgment [21] dated May 3, 2016, this Court reversed the decision of the Commissioner and remanded the case for an award of benefits. Plaintiff now seeks attorney's fees in the amount of \$6,002.50, representing 34.3 hours of attorney time at a rate of \$175.00 per hour, and \$50.76 in mileage expenses on the grounds that he was the prevailing party, and the Commissioner's position was not "substantially justified." The Commissioner responds that there is no objection to the request for fees and expenses. Accordingly, the Court finds the requested amount is reasonable.

THEREFORE, IT IS ORDERED:

That the Commissioner shall promptly pay to Plaintiff, in care of his attorney, a total of \$6,053.26 in attorney's fees and expenses for the benefit of counsel for Plaintiff.

This, 24th day of May, 2016.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE